

REMARKS

Claims 1–38 are pending in the application and are presented for further substantive examination on the merits.

In the outstanding Office Action, claims 1–38 were subjected to an Election of Species Requirement.

By this Response to Election of Species Requirement, an election without traverse is made.

ELECTION OF SPECIES REQUIREMENT SUMMARY

The Examiner has required election of a single disclosed species under PCT Rule 13. Claims 1–38 were subjected to an Election of Species Requirement as follows:

Species for the Surgical Fastener Device:

Species 1: Fig. 6;

Species 2: Fig. 12;

Species 3: Fig. 17; and

Species 4: Fig. 22.

Species for the Surgical Fastener:

Species I: Fig. 1;

Species II: Fig. 2;

Species III: Fig. 3;

Species IV: Fig. 4;

Species V: Fig. 5a;

Species VI: Fig. 5b;

Species VII: Fig. 16;

Species VIII: Fig. 21; and

Species IX: Fig. 26.

Species for the Surgical Filament:

Species A: Mesh;

Species B: Ribbon;

Species C: Strip;

Species D: Wire;

Species E: Net; and

Species F: Thread.

Species for the Cutter for cutting the filament:

Species a: Blade;

Species b: Hot wire; and

Species c: RF generator.

Species for the Ejecting Mechanism:

Species i: Spring mechanism;

Species ii: Hydraulic mechanism; and

Species iii: Pneumatic mechanism.

The Examiner further asserted that the claims are deemed to correspond to the species listed above in the following manner:

Species 1: Claim 23;

Species 2: Claim 25;

Species 3: Claim 26;

Species 4: Claim[s] 24, 27;

Species I: Claims 9-12;

Species II: Claims 9-12;

Species III: Claims 9-12;

Species IV: Claims 9-12, 13;

Species V: Claims 9-12, 14, 17-18;

Species VI: Claims 9-12, 14, 17-18;

Species VII: Claims 9-12, 20;

Species VIII: Claims 9-12, 15;

Species IX: Claims 9-12;

Species A: Claims 5-6;

Species B: Claims 5-6;
Species C: Claims 5-6;
Species D: Claims 5-6;
Species E: Claims 5-6;
Species F: Claims 5-6;
Species a: Claim[s] 3-4;
Species b: Claim[s] 3-4;
Species c: Claim[s] 3-4;
Species i: Claim 2;
Species ii: Claim 2; and
Species iii: Claim 2.

The Examiner has indicated that claim 1 is generic.

ELECTION OF SPECIES

Applicants elect to continue prosecution of Species 2, Fig. 12, encompassing Claim 25; Species VI, Fig. 5b, encompassing Claims 9-12, 14, 17-18; Species C, Strip, encompassing Claims 5-6; Species a, Blade, encompassing Claim[s] 3-4; Species i, Spring mechanism, encompassing Claim 2; and the generic claim 1.

This election is made without traverse. Applicants reserve the right to file one or more continuation/divisional applications based on the non-elected inventions and claims.

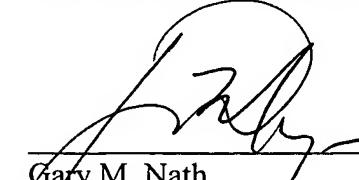
CONCLUSION

In view of the preceding election, Applicants submit that the application is in condition for a first substantive examination, and further prosecution of the application is respectfully requested. If the Examiner believes the application is not in condition for substantive examination, Applicants respectfully request that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of

time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

THE NATH LAW GROUP



Gary M. Nath
Registration No. 26,965
Jerald L. Meyer
Registration No. 41,194
Jiaxiao Zhang
Registration No. 63,235
Customer No. 20259

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THE NATH LAW GROUP
112 S. West Street
Alexandria, VA 22314
Tel (703) 548-6284
Fax (703) 683-8396